



BILLING CODE 6355-01-P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2010–0041]

Collection of Information; Proposed Extension of Approval; Comment Request--Publicly Available Consumer Product Safety Information Database

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: As required by the Paperwork Reduction Act of 1995 (PRA), the Consumer Product Safety Commission (CPSC or Commission) requests comments on a proposed extension of approval of a collection of information for the Publicly Available Consumer Product Safety Information Database. The Commission will consider all comments received in response to this notice before requesting an extension of approval of this collection of information from the Office of Management and Budget (OMB).

DATES: Submit written or electronic comments on the collection of information by **[insert date 30 days after date of publication in the FEDERAL REGISTER]**.

ADDRESSES: OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: CPSC Desk Officer, FAX: 202-395-6974, or e-mailed to oira_submission@omb.eop.gov. All comments should be identified by Docket No. CPSC–2010–0041. In addition, written comments also should be submitted at <http://www.regulations.gov>, under Docket No. CPSC–2010–0041, or by mail/hand delivery/courier (for paper, disk, or CD-ROM submissions), preferably in five copies, to: Office of the Secretary, U.S. Consumer Product Safety Commission, Room 820, 4330 East West

Highway, Bethesda, MD 20814; telephone (301) 504-7923. For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: For further information contact: Robert H. Squibb, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504-7815, or by e-mail to: rsquibb@cpsc.gov.

SUPPLEMENTARY INFORMATION:

In the *Federal Register* of August 19, 2016 (81 FR 55449), the CPSC published a notice in accordance with provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). This notice announced CPSC's intention to seek extension of approval of a collection of information for a database on the safety of consumer products and other products and substances regulated by the Commission (Database), as required by section 212 of the Consumer Product Safety Improvement Act of 2008 (CPSIA). We received one general comment in support of the Database in response to the August 19 notice. The commenter noted that the existence of the Database may reduce FOIA requests. Nothing in the comment addressed CPSC's burden analysis. Accordingly, by publication of this notice, the Commission announces that it has submitted to the Office of Management and Budget (OMB) a request for extension of approval of the collection of information for the Database without change.

A. Background

Section 212 of the CPSIA added section 6A to the Consumer Product Safety Act (CPSA), which requires the Commission to establish and maintain a publicly available, searchable database on the safety of consumer products and other products or substances regulated by the Commission. Among other things, section 6A of the CPSA requires the Commission to collect reports of harm from the public for potential publication in the publicly available Database, and

to collect and publish comments about reports of harm from manufacturers. As explained in the August 19, 2016 *Federal Register* notice (81 FR 55449), the Commission sought, and OMB approved, the collection of information for the Database under control number 3041-0146. OMB's most recent extension of approval on December 2, 2013 will expire on December 31, 2016. Accordingly, the Commission now proposes to request an extension of approval of this collection of information. Details about the information collected through the Database are provided in the August 19, 2016 notice.

B. Estimated Burden

1. Estimated Annual Burden for Respondents

We estimate the burden of this collection of information as follows:

Table 1 – Estimated Annual Reporting Burden for Reports of Harm

| Collection Type | No. of Respdnts | Response Frequency¹ | Total Annual Responses | Minutes per Response | Total Burden, in Hours² |
|--|------------------------|---------------------------------------|-------------------------------|-----------------------------|---|
| Reports of Harm – submitted through website | 6,582 | 1.03 | 6,790 | 12 | 1,358 |
| Reports of Harm – submitted by phone | 2,632 | 1.01 | 2,643 | 10 | 441 |
| Reports of Harm – submitted by mail, e-mail, fax | 780 | 6.67 | 5,206 | 20 | 1,735 |
| TOTAL | 9,994 | | 14,639 | | 3,534 |

¹ Frequency of responses is calculated by dividing the number of responses by the number of respondents.

² Numbers have been rounded.

Table 2 – Estimated Annual Reporting Burden for Manufacturer Submissions

| Collection Type | No. of Respdnts | Response Frequency¹ | Total Annual Responses | Minutes per Response | Total Burden, in Hours² |
|---|----------------------------|---|---------------------------------------|---------------------------------|---|
| Manufacturer Comments – submitted through website | 532 | 6.23 | 3,317 | 117 | 6,468 |
| Manufacturer Comments – submitted by mail, e-mail, fax | 283 | 1.22 | 346 | 147 | 848 |
| Requests to Treat Information as Confidential – submitted through website | 12 | 1.08 | 13 | 42 | 9 |
| Requests to Treat Information as Confidential – submitted by mail, e-mail, fax | 0 | n/a | 0 | 72 | 0 |
| Requests to Treat Information as Materially Inaccurate – submitted through website | 131 | 1.82 | 238 | 165 | 655 |
| Requests to Treat Information as Materially Inaccurate – submitted by mail, e-mail, fax | 79 | 1.06 | 84 | 195 | 273 |
| Voluntary Brand Identification | 829 | 1.48 | 1,228 | 10 | 205 |
| Small Batch Manufacturer Identification | 2,208 | 1 | 2,208 | 10 | 368 |
| TOTAL | 4,074 | | 7,434 | | 8,826 |

Based on the data set forth in Tables 1 and 2 above, the annual reporting cost is estimated to be \$719,381. This estimate is based on the sum of two estimated total figures for reports of harm and manufacturer submissions. The estimated number of respondents and responses are based on the actual responses received in FY 2015. We assume that the number of responses and respondents will be similar in future years.

Reports of Harm: Table 1 sets forth the data used to estimate the burden associated with submitting reports of harm. We had previously estimated the time associated with the electronic and telephone submission of reports of harm at 12 and 10 minutes, respectively, and because we have had no indication that these estimates are not appropriate or accurate, we used those figures for present purposes as well. We estimate that the time associated with a paper or PDF form would be 20 minutes, on average.

To estimate the costs for submitting reports of harm, we multiplied the estimated total burden hours associated with reports of harm (1,358 hours + 441 hours + 1,735 hours = 3,534 hours) by an estimated total compensation for all workers in private industry of \$32.06 per hour,³ which results in an estimated cost of \$113,300 (3,534 hours x \$32.06 per hour = \$113,300).

Manufacturer Submissions: Table 2 sets forth the data used to estimate the burden associated with manufacturers' submissions to the Database. We observed that a large percentage of the general comments come from a few businesses and assumed that the experience of a business that submits many comments each year would be different from one that submits only a few. Accordingly, we divided all responding businesses into three groups, based on the number of general comments submitted in FY 2015; and then we selected several businesses from each group to contact. The first group we contacted consisted of businesses that submitted 50 or more comments in FY 2015, accounting for 31 percent of all general comments received. The second group we contacted included businesses that submitted 6 to 49 comments, accounting for 39 percent of all general comments received. The last group contacted included businesses that submitted no more than five comments, accounting for 30 percent of all general comments received.⁴ We asked each company contacted how long it typically takes to research, compose, and enter a comment, a claim of materially inaccurate information, or a confidential information claim.

To estimate the burden associated with submitting a general comment through the business portal regarding a report of harm, we averaged the burden provided by each company within each group and then calculated a weighted average from the three groups, weighting each

³ U.S. Department of Labor, Bureau of Labor Statistics, Table 9 of the Employer Costs for Employee Compensation (ECEC), Private Industry, goods-producing and service-providing industries, by occupational group, June 2016 (data extracted on 06/23/2016 from <http://www.bls.gov/news.release/ecec.t09.htm>)

⁴ In the last group one company was excluded as an outlier.

group by the proportion of comments received from that group. We found that the average time to submit a general comment regarding a report of harm is 117 minutes based on the data in Table 3 $((15 \text{ minutes} + 45 \text{ minutes} + 30 \text{ minutes} + 15 \text{ minutes}) / 4 \text{ companies}) \times .31 + ((105 \text{ minutes} + 45 \text{ minutes} + 150 \text{ minutes} + 15 \text{ minutes}) / 4 \text{ companies}) \times .39 + ((240 \text{ minutes} + 60 \text{ minutes} + 480 \text{ minutes}) / 3 \text{ companies}) \times .30 = 117 \text{ minutes})$.

Table 3 – Estimated Burden to Enter a General Comment in the Database

| Group | Company | General Comments |
|----------------------------------|----------------|-------------------------|
| Group 1 (≥ 50 comments) | Company A | 15 minutes |
| | Company B | 45 minutes |
| | Company C | 30 minutes |
| | Company D | 15 minutes |
| Group 2 (6-49 comments) | Company A | 105 minutes |
| | Company B | 45 minutes |
| | Company C | 150 minutes |
| | Company D | 15 minutes |
| Group 3 (≤ 5 comments) | Company A | 240 minutes |
| | Company B | 60 minutes |
| | Company C | 480 minutes |

Registered businesses generally submit comments through our website. Unregistered businesses submit comments by mail, e-mail, or fax. We estimate that for unregistered businesses, submitting comments takes a little longer because we often must ask the businesses to amend their submissions to include the required certifications. Thus, we estimated that on average, comments submitted by mail, e-mail, or fax take 30 minutes longer than those submitted through our website $(117 \text{ minutes} + 30 \text{ minutes} = 147 \text{ minutes})$.

The submission of a claim of materially inaccurate information is a relatively rare event for all respondents. Accordingly, we averaged all responses together. Eight of the businesses contacted had submitted claims of materially inaccurate information. We found that the average time to submit a claim that a report of harm contains a material inaccuracy is 165 minutes $((30 \text{ minutes} + 90 \text{ minutes} + 45 \text{ minutes} + 90 \text{ minutes} + 60 \text{ minutes} + 660 \text{ minutes} + 45 \text{ minutes} + 300 \text{ minutes}) / 8 \text{ companies} = 165 \text{ minutes})$.

Registered businesses generally submit claims through the business portal. Unregistered businesses submit claims by mail, e-mail, or fax. We estimate that submitting claims by mail, e-mail, or fax takes a little longer because we often must ask the businesses to amend their submission to include the required certifications. Thus, we estimated that on average, claims submitted by mail, e-mail, or fax take 30 minutes longer than those submitted through our website (165 minutes + 30 minutes = 195 minutes).

The submission of a claim of confidential information is a relatively rare event for all respondents; accordingly, we averaged all responses together. Five of the businesses contacted had submitted claims of confidential information. We found that the average time to submit a claim that a report of harm contains confidential information is 42 minutes ((45 minutes + 15 minutes + 60 minutes + 30 minutes + 60 minutes) / 5 companies = 42 minutes).

Registered businesses generally submit confidential information claims through the business portal. Unregistered businesses submit confidential information claims by mail, e-mail, or fax. We estimate that submitting claims in this way takes a little longer because we often must ask the businesses to amend their submission to include the required certifications. Thus, we estimate that a confidential information claim submitted by mail, e-mail, or fax would take 30 minutes longer than those submitted through our website (42 minutes + 30 minutes = 72 minutes).

For voluntary brand identification, we estimate that a response would take 10 minutes on average. Most responses consist only of the brand name and a product description. In many cases a business will submit multiple entries in a brief period of time and, based on the date and time stamps on these records, an entry often takes less than two minutes. CPSC staff enters the

same data in a similar form based on our own research, and that experience was also factored into our estimate.

For small batch manufacturer identification, we estimate that a response would take 10 minutes on average. The form consists of three check boxes and the information should be readily accessible to the respondent.

The responses summarized in Table 2 are generally submitted by manufacturers. To avoid underestimating the cost associated with the collection of this data, we assigned the higher hourly wage associated with a manager or professional in goods-producing industries to these tasks. To estimate the cost of manufacturer submissions we multiplied the estimated total burden hours in Table 2 (8,826 hours) by an estimated total compensation for a manager or professional in goods-producing industries of \$68.67 per hour,⁵ which results in an estimated cost of \$606,081 (8,826 hours x \$68.67 per hour = \$606,081).

Therefore, the total estimated annual cost to respondents is \$719,381 (\$113,300 burden for reports of harm + \$606,081 burden for manufacturer submissions = \$719,381).

2. Estimated Annual Burden on Government

We estimate the annualized cost to the CPSC to be \$954,531. This figure is based on the costs for four categories of work for the Database: Reports of Harm, Materially Inaccurate Information Claims, Manufacturer Comments, and Small Batch Identification. Each category is described below. No government cost is associated with Voluntary Brand Identification because this information is entered directly into the Database by the manufacturer with no processing required by the government. The information assists the government in directing reports of harm to the correct manufacturer. We did not attempt to calculate separately the government cost for

⁵ U.S. Department of Labor, Bureau of Labor Statistics, Table 9 of the Employer Costs for Employee Compensation (ECEC), Private Industry, goods-producing and service-providing industries, by occupational group, June 2016 (data extracted on 06/23/2016 from <http://www.bls.gov/news.release/ecec.t09.htm>)

claims of confidential information because the number of claims is so small. The time to process these claims is included with claims of materially inaccurate information.

Reports of Harm: The Reports of Harm category includes many different tasks. Some costs related to this category are from two data entry contracts. Tasks related to these contracts include clerical coding of the report, such as identifying the type of consumer product reported and the appropriate associated hazard, as well as performing quality control on the data in the report. Contractor A spends an estimated 5,267 hours per year performing these tasks. With an hourly rate of \$33.31 for contractor services, the annual cost to the government of contract A is \$175,444. Contractor B spends an estimated 2,539 hours per year performing these tasks. With an hourly rate of \$58.09 for contractor services, the annual cost to the government of contract B is \$147,491.

The Reports of Harm category also includes sending consent requests for reports when necessary, processing that consent when received, determining whether a product is out of CPSC's jurisdiction, and confirming that pictures and attachments do not have any personally identifiable information. The Reports category also entails notifying manufacturers when one of their products is reported, completing a risk of harm determination form for every report eligible for publication, referring some reports to a Subject Matter Expert (SME) within the CPSC for a determination on whether the reports meet the requirement of having a risk of harm, and determining whether a report meets all the statutory and regulatory requirements for publication. Detailed costs are:

Table 4 – Estimated Costs for Reports of Harm Task

| Grade Level | Number of Hours (Annual) | Total Compensation per Hour | Total Annual Cost |
|--------------------|-------------------------------------|--|------------------------------|
| Contract A | 5,267 | \$33.31 | \$175,444 |
| Contract B | 2,539 | \$58.09 | \$147,491 |
| 7 | 200 | \$34.78 | \$6,956 |
| 9 | 300 | \$42.69 | \$12,807 |
| 12 | 5,528 | \$61.91 | \$342,238 |
| 13 | 428 | \$73.37 | \$31,402 |
| 14 | 1,068 | \$86.99 | \$92,905 |
| Total | 15,330 | | \$809,243 |

Materially Inaccurate Information (MII) Claims: The MII claims category includes reviewing and responding to claims, participating in meetings where the claims are discussed, and completing a risk of harm determination on reports when a company alleges that a report does not describe a risk of harm.

Table 5 – Estimated Costs for MII Claims Task

| Grade Level | Number of Hours (Annual) | Total Compensation per Hour | Total Annual Cost |
|--------------------|-------------------------------------|--|------------------------------|
| 12 | 275 | \$61.91 | \$17,025 |
| 13 | 167 | \$73.37 | \$12,253 |
| 14 | 323 | \$86.99 | \$28,098 |
| 15 | 50 | \$101.99 | \$5,100 |
| SES | 50 | \$109.97 | \$5,499 |
| Total | 865 | | \$67,975.00 |

Manufacturer Comments: The Comments category includes reviewing and accepting or rejecting comments.

Table 6 – Estimated Costs for Manufacturer Comments Task

| Grade Level | Number of Hours (Annual) | Total Compensation per Hour | Total Annual Cost |
|--------------------|-------------------------------------|--|------------------------------|
| 12 | 62 | \$61.91 | \$3,838 |
| 13 | 109 | \$73.37 | \$7,997 |
| Total | 171 | | \$11,835 |

Small Batch Manufacturer Identification: The Small Batch Manufacturer Identification category includes time spent posting the list of small batch registrations, as well as answering

manufacturers' questions on registering as a Small Batch company and what the implications to that company of small batch registration.

Table 7 – Estimated Costs for Small Batch Task

| Grade Level | Number of Hours (Annual) | Total Compensation per Hour | Total Annual Cost |
|--------------------|-------------------------------------|--|------------------------------|
| 15 | 642 | \$101.99 | \$65,478 |
| Total | 642 | | \$65,478 |

We estimate the annualized cost to the CPSC of \$954,531 by adding the four categories of work related to the Database summarized in Tables 4 through 7 (Reports of Harm (\$809,243) + MII Claims (\$67,975) + Manufacturer Comments (\$11,835) + Small Batch Identification (\$65,478) = \$954,531).

This information collection renewal request based on an estimated 12,360 burden hours per year for the Database is a decrease of 7,485 hours since this collection of information was last approved by OMB in 2013. The decrease in burden is due primarily to the fact that the number of incoming reports of harm has decreased, and the number of claims based on those reports has decreased as well. While comments did not decline significantly, they did shift to the more efficient online submissions. We note a large increase in small batch manufacturer activity, which has been rising steadily for years. However, this increase was not large enough to offset the decreases in other areas.

Dated: November 3, 2016

Todd A. Stevenson, *Secretary*
Consumer Product Safety Commission

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